



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

September 2, 2022

BY ECF

Hon. Eric R. Komitee
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Sabino v. Ogle, 20-CV-5861 (EK) (JRC)

Dear Judge Komitee:

This Office represents retired Senior Parole Officer (“SPO”) James Ogle of the New York State Department of Corrections and Community Supervision (“DOCCS”) and writes in regard to the Motion to Dismiss filed by this Office on August 10, 2022.

In the June 28, 2022 Order, the Court provided that Plaintiff’s deadline to file an Amended Complaint would be extended to July 11, 2022 and the Defendants’ time to respond would be extended to August 10, 2022. Plaintiff then filed on July 5, 2022 (ECF # 31) what he would later clarify to be his Amended Complaint. See Plaintiff’s letter filed on August 8, 2022 (ECF # 33). Consequently, this Office then filed its Motion to Dismiss the Amended Complaint on behalf of SPO Ogle on August 10, 2022 in order to abide by the above-referenced order. The Court, by e-order dated August 17, 2022, then granted Plaintiff’s application to construe ECF # 31 as the Amended Complaint, and the docket sheet now identifies the document as such.

Considering the somewhat complicated procedural history and further considering Plaintiff’s pro se status, Defendant SPO Ogle respectfully requests that the Court establish a schedule for the remaining briefing on the Motion to Dismiss, specifically, a due date for Plaintiff’s opposition papers and Defendant’s reply brief. Please note we do not oppose an extended schedule for opposition considering the procedural novelties in this matter and considering a Summons was issued to the City of New York on August 17, 2022.

Thank you for your attention on this matter.

Respectfully submitted,
/s/ Andrew Blancato
Andrew Blancato
Assistant Attorney General
Andrew.Blancato@ag.ny.gov

Enclosure

cc: Saul Sabino (via U.S. Mail)
B&C 349-21-01344
Anna M. Kross Center
18-18 Hazen Street
East Elmhurst, NY 11370
Plaintiff pro se